S.B. CRIMINAL REVISIION PETITION NO.1231/2007

Pradeep vs. Smt. Saroj & Ors.

DATE OF ORDER : 15.11.2007

HON'BLE MR JUSTICE GOVIND MATHUR

Mr. G.R. Punia, for the petitioner.

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By this petition under Section 397/401 of the Cr.P.C. challenge is given to the order dated 31.8.2007 passed by the learned Addl. Chief Judicial Magistrate, Rajgarh, Distt. Churu accepting the application under Section 125 Cr.P.C. preferred by the respondent-wife. By the order impugned learned Addl. Chief Judicial Magistrate allowed maintenance in favour of the respondent in a tune of Rs.1500/- per month.

The contention of learned counsel for the petitioner while assailing the validity of the order dated 13.8.2007 is that the petitioner is not having adequate earnings to satisfy the maintenance and also that he is ready and willing to keep the respondent No.1 as well as their children with him and as such there was no need to award the maintenance.

I do not find any substance in the contention so raised. A specific finding is given by the learned court below that the attitude of the petitioner is quite harsh and in such circumstances it shall not be possible for the respondent to stay with him. So far as the question with regard to adequacy of income is concerned that does not require interference in revisional jurisdiction as this question has been adequately adjudicated by the trial court. Accordingly, the revision petition is dismissed.

(GOVIND MATHUR),J.

Jgoyal